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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Katherine Dee Fletcher,

14 Plaintiff,

15 v.

16 Dreesen, et al.,

17 Defendants.

Case No. 2:22-cv-01777-MMD-NJK

**Unopposed motion for extension of
time in which to file amended
complaint**

(First request)

18 Ms. Fletcher respectfully requests an extension of time of thirty-one (31) days,
19 from May 12, 2023, to and including June 12, 2023, in which to file an amended com-
20 plaint in this case.
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ARGUMENT

Ms. Fletcher previously filed a pro se civil rights complaint. ECF No. 1-1. The Court dismissed the complaint without prejudice and with leave to amend. ECF No. 12. The Court then appointed counsel to represent Ms. Fletcher on April 11, 2023. ECF No. 33. Undersigned counsel made his appearance on April 14, 2023. ECF No. 35. The counseled amended complaint is currently due May 12, 2023.

Undersigned counsel respectfully suggests additional time remains necessary to properly prepare the amended complaint. Immediately following his assignment to this case, undersigned counsel has been prioritizing this matter based in part on the potential medical concerns at issue here. Nonetheless, undersigned counsel still needs additional time to file the amended complaint.

Counsel has had many discussions with Ms. Fletcher regarding the amended complaint, including the scope of the amended complaint, the relevant allegations to be raised, and the potential causes of action to pursue. Promptly following his assignment to this case, undersigned counsel contacted the Nevada Department of Corrections to schedule an in-person visit with Ms. Fletcher. Counsel had an in-person visit with Ms. Fletcher on April 18. Counsel had a second in-person visit with Ms. Fletcher on April 26. Counsel has had additional telephone conversations with Ms. Fletcher, including lengthy conversations on May 3 and May 4. Nonetheless, counsel needs to have additional conversations with Ms. Fletcher about the amended complaint before counsel can prepare and file the amended complaint. Counsel is in the process of scheduling another in-person visit with Ms. Fletcher on or about May 17 or May 18. In short, while counsel and Ms. Fletcher have been diligently communicating with each other, counsel and Ms. Fletcher need to continue their discussions before counsel can file the amended complaint. For that reason, counsel respectfully suggests the requested extension is reasonably necessary.

1 Counsel has also been reviewing the relevant records in anticipation of filing
2 the amended complaint. Counsel has reviewed every filing on the docket in this case.
3 Counsel has also been assembling and reviewing additional relevant records, includ-
4 ing records produced informally by the Nevada Department of Corrections and rec-
5 ords provided by Ms. Fletcher. Counsel recently received a new informal production
6 from the Nevada Department of Corrections on May 8, although there were technical
7 difficulties with the production. Meanwhile, on information and belief, Ms. Fletcher
8 plans to send counsel additional relevant documentation, but counsel has not yet re-
9 ceived the relevant documentation from Ms. Fletcher. Counsel intends to fully review
10 these various records before filing the amended complaint. However, counsel is still
11 in the process of collecting records and hasn't yet had a reasonable opportunity to
12 assemble and review the relevant records. For that reason as well, counsel respect-
13 fully suggests the requested extension is reasonably necessary.

14 Once again, counsel understands the time-sensitive nature of these proceed-
15 ings, which implicate potential medical issues, and counsel has been prioritizing this
16 matter. However, for the reasons discussed above, counsel respectfully suggests ad-
17 ditional time is necessary for counsel to file the amended complaint.

18 Counsel has been working on and will continue to work on many competing
19 professional obligations between the date of his assignment to this case and the new
20 requested deadline for the amended complaint. However, because those competing
21 professional obligations aren't the primary basis for this extension motion, counsel
22 isn't listing those obligations here. Nonetheless, counsel respectfully suggests his
23 competing professional obligations provide an additional basis for the instant exten-
24 sion request.

25 On May 8, 2023, counsel contacted Deputy Attorney General Randall Gilmer
26 via email and informed him of this extension request. Mr. Gilmer noted the Court
27 previously dismissed the pro se complaint, so Mr. Gilmer doesn't currently have an

1 active role as counsel in this matter and potentially wouldn't have a basis to object to
2 the request. Nonetheless, as a matter of professional courtesy, Mr. Gilmer had no
3 objection to the request. His lack of objection shouldn't be considered a waiver of any
4 procedural defenses or statute of limitations challenges or construed as agreeing with
5 the accuracy of the representations in this motion.

6 In sum, counsel requests an additional thirty-one (31) days, up to and including
7 June 12, 2023, in which to file the amended complaint. This is counsel's first request
8 for an extension of time to file the amended complaint. This motion isn't filed for the
9 purposes of delay, but in the interests of justice, as well as in Ms. Fletcher's interest.
10 Counsel respectfully asks the Court to grant the requested extension.

11 Dated May 9, 2023.

12 Respectfully submitted,

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14 Rene L. Valladares
15 Federal Public Defender

16 /s/ Jeremy C. Baron
17 Jeremy C. Baron
18 Assistant Federal Public Defender

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21 IT IS SO ORDERED:

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24 United States District/Magistrate
25 Judge

26 Dated: May 10, 2023
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